



RESPONSE TO RESTRICTION REQUIREMENT
AND REMARKS

Claims 1-58 are pending in the above-identified application and are subject to an election requirement under 35 USC 121 and 372.

More specifically, in the currently outstanding non-final Official Action, the Examiner has:

1. Identified the following inventions that he alleges to be patentably distinct from one another, and required Applicants to elect a single invention to which the claims must be restricted. In this regard, the Examiner has asserted that the following groups do not represent a single inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack a common special technical feature. Hence, the Examiner asserts that at the time of the invention inkjet devices (the common technical feature of the various inventions alleged to be claimed in this application) were well known to the art as evidenced by the Abstract of JP 2001-232798 such that that common technical feature cannot be referred to as a special technical feature:
The inventions among which Applicants have been required to elect are as follows:

Group A, claim(s) 1-5, 10-11, 41-45 and 50, drawn to a method depositing an organic EL material via an electrostatic attraction type inkjet.

Group B, claim(s) 6-9, 46-49, drawn to a method depositing an organic EL material via an electrostatic inkjet method wherein the volumetric concentration of the EL liquid is "substantially" $\beta \times t / (\alpha \times D)$.

Group C, claim(s) 12, drawn to an apparatus of an electrostatic attraction type inkjet.

Group D, claim(s) 13, drawn to an apparatus of an electrostatic attraction type inkjet where in the ink liquid has a volumetric concentration is "substantially" $\beta \times t / (\alpha \times D)$.

Group E, claim(s) 14-17 and 31, drawn to a method of ejecting droplets of a spacer material less than 1 pl in size by an inkjet method and curing the spacer material.

Group F, claim(s) 18-22 and 51, drawn to a method of ejecting droplets of a spacer material by an inkjet method wherein the spacer material is continuously emitted as the inkjet head moves away from the substrate, forming a column-like shape and then curing the material.

Group G, claim(s) 23-26 and 52, drawn to a method of ejecting spacer material by using an electrostatic attraction type inkjet device wherein the ejected drops are less than 1pl in volume.

Group H, claim(s) 27-30 and 53, drawn to a method of hitting a spacer with a droplet from an electrostatic attraction-type inkjet device, so the spacer moves.

Group I, claim(s) 32-34, 38 and 54-55, drawn to a method of ejecting drops of color filter layer liquid by an inkjet method.

Group J, claim(s) 35-37 and 56-58, drawn to a method of ejecting drops of color filter layer liquid by an electrostatic-type inkjet method wherein the ink liquid has a volumetric concentration is “substantially” $\beta \times t / (\alpha \times D)$.

Group K, claim(s) 39 drawn to an apparatus of an electrostatic attraction-type inkjet wherein the nozzle has a diameter less than the diameter of the droplets and device ejects drops of the color filter liquid less than 1pl in volume.

Group L, claim(s) 40, drawn to an apparatus of an electrostatic attraction-type inkjet wherein the nozzle has a diameter less than the diameter of the droplets and device ejects drops less than 1pl in volume and the ink liquid has volumetric concentration is “substantially” $\beta \times t / (\alpha \times D)$.

2. Required the Applicant to elect one of the foregoing inventions under 35 USC 121 and 372 for further prosecution on the merits.
3. Required Applicant to list all of the pending claims that are deemed to be readable on the elected invention;

In response to the currently outstanding requirement for restriction, **Applicant hereby elects the invention of Group A, Claims 1-5, 10, 11, 41-45 and 50, with traverse** for further prosecution on the merits in this application.

The grounds for Applicants' traversal of the Examiner's currently outstanding election requirement are set forth below.

Applicants respectfully submit that each of the independent claims of this application (namely, Claims 1, 6, 12, 13, 14, 23, 27, 32, 35, 39 and 40) includes the following special technical features:

- a. An electrostatic attraction type inkjet apparatus whose injection hole has a diameter smaller than a diameter of the droplets; and
- b. Droplets are ejected from a nozzle of an inkjet apparatus in such a manner that each of the droplets is 1 pl or less in amount.

In order that there can be no question concerning the validity of Applicants' traversal of the Examiner's election requirement, Applicants by the foregoing Preliminary Amendment have amended Claim 18 so as to be dependent upon Claim 14 on the basis that the only potentially viable argument against their traversal of the Examiner's currently outstanding restriction requirement is the Claims 18 through 22 prior to the foregoing Amendment might be said not to include the features (a) and (b) above. The foregoing amendment of Claim 18 removes that potential problem.

Otherwise, the foregoing amendment amends Claims 6, 13, 35 and 40 as follows (also to remove any question that all of the claims of this application encompass the features (a) and (b) discussed above). Hence, Claims 6 and 35 have been amended so as to specifically add the description that the electrostatic type inkjet apparatus has an ejection hole having a smaller diameter than a diameter of the droplets. Similarly, Claims 13 and 40 have been amended so as to specifically add the description that the ejection hole has a diameter smaller than a diameter of the droplets.

Applicants respectfully submit that this communication is fully responsive to the currently outstanding Official Action in the above-identified application, and presents argument in response to the Examiner's restriction requirement that justifies the withdrawal of the same. Consequently, early substantive consideration, withdrawal of the currently outstanding requirement for restriction and allowance of the claims as they currently stand following the entry of the foregoing Amendment are respectfully requested.

Further, it is respectfully noted for the record that the currently outstanding Official Action did not note or acknowledge any of the Information Disclosure Statements filed by the Applicant in this application by providing the Applicant with signed, dated and initialed copies of the Forms PTO/SB/08a/b submitted therewith in confirmation of the consideration of the art listed therein. Such action is respectfully requested.

In addition, it is also respectfully noted for the record that the currently outstanding Official Action did not acknowledge Applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f), and Applicants' submission of the required certified copies of the Priority Documents. Such action also is respectfully requested

Finally, it is also respectfully noted for the record that the currently outstanding Official Action did not acknowledge or accept the formal drawings filed concurrently with the above-identified application. Again, such action is respectfully requested.

Still further, Applicants believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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David A. Tucker
SIGNATURE OF PRACTITIONER

Reg. No.: 27,840

David A. Tucker
(Type or print name of practitioner)
Attorney for Applicant(s)

Tel. No. (617) 517-5508

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
P.O. Address

Customer No.: 21874

Boston, MA 02205